

FEB 07 2017

JULIA C. DUCHEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA) Criminal Action No. 7:11CR00057
) (Civil Action No. 7:15CV80857)
v.)
) **FINAL ORDER**
HERBERT GREEN,)
) By: Hon. Glen E. Conrad
Defendant.) Chief United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** as follows:

1. That the government's motion to dismiss (ECF No. 123) is **GRANTED**;
2. Green's motion pursuant to 28 U.S.C. § 2255 (ECF No. 96) is **DISMISSED**;
3. This action shall be **STRICKEN** from the active docket of this court; and
4. Finding that Green has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 7th day of February, 2017.

Glen Conrad

Chief United States District Judge